

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MARIO B. LONG, SR.,)
)
Plaintiff,)
)
vs.) Case No. 4:24-cv-01289-MTS
)
MAUREEN W. GORNIK,)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs. Doc. [3]. When Plaintiff filed this action, he neither paid the required filing fee, *see* 28 U.S.C. § 1914, nor sought to proceed without prepayment of fees, *see id.* § 1915(a)(1). *See also Ashley v. Dilworth*, 147 F.3d 715, 716 (8th Cir. 1998) (per curiam) (explaining that prisoner-litigants must “pay filing fees in full, with the only issue being whether the inmate pays the entire filing fee at the initiation of the proceeding or in installments over a period of time”). The Court ordered Plaintiff to do one or the other. Doc. [2]. In response, Plaintiff filed the instant Application, but he left virtually the entire form blank. Because Plaintiff completed essentially none of the application, his application fails to comply with § 1915(a)(1).

In addition, the Court informed Plaintiff that any application to proceed without prepaying fees or costs needed to be accompanied by “a certified copy of his prison account statement for the six-month period immediately preceding the filing of the Complaint.” Doc. [2]. Plaintiff filed a copy of his prison account statement, but it is not

certified. *See* 28 U.S.C. § 1915(a)(2) (requiring that prisoner-litigants file a *certified* copy of the account statement).

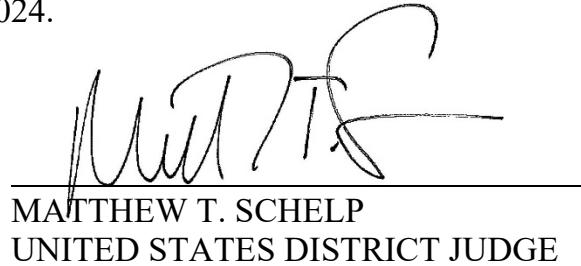
The Court will provide Plaintiff one more opportunity to either pay the required \$405 filing fee in full or complete and file a proper Application to Proceed in District Court Without Prepaying Fees or Costs. If Plaintiff fails to do so, the Court will dismiss this action without further notice. *See Hutchins v. A.G. Edwards & Sons, Inc.*, 116 F.3d 1256, 1259 (8th Cir. 1997) (“A district court has the power to dismiss a litigant’s cause of action when the litigant fails to comply with the court’s orders.”).

Accordingly,

IT IS HEREBY ORDERED that Plaintiff’s Application to Proceed in District Court without Prepaying Fees or Costs, Doc. [3], is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff shall either pay the required \$405 filing fee in full or shall file a proper Application to Proceed in District Court without Prepaying Fees or Costs, along with the required certified account statement, no later than **Wednesday, December 11, 2024**. **The failure to do so will result in the dismissal of this action without further notice.**

Dated this 30th day of October 2024.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE